

Illinois Commerce Commission
SBC/Ameritech Illinois Merger, Docket 98-0555
Performance Benchmarks Collaborative, Condition 30
Final Meeting Minutes From 3/28-29/2000
Modified and Approved 4/5/2000

The fourth Performance Measures collaborative was held on March 28 and 29, 2000 at the State of Illinois Center in Chicago, Illinois.

Below are the minutes from that meeting.

Mr. McClerren, ICC Staff, presided over the meeting.

March 28, 2000

Meeting Purpose

Mr. McClerren reminded the participants of the objective of the meeting, citing the requirements of the SBC/Ameritech merger Condition #30.

Mr. Fioretti, Ameritech, provided an update of the implementation efforts by stating that as of March reporting (February data), Ameritech had implemented 95 of the 122 performance measures as detailed in the 7-20 version of the Texas business rules. Mr. Fioretti noted that he would be furnishing a new copy of the implementation schedule and expected to complete the initial implementation with data collection for the final measurements beginning on June 1. The new schedule has not yet been modified to include dates for implementing the parity comparisons.

Northpoint Communications requested that Mr. McClerren review the process for resolving disputes arising from the collaborative process. Mr. McClerren stated that, although he did not speak for the commission on these matters, his understanding is that the commission expects as many issues as possible will be resolved in the collaborative itself. If no resolution can be reached, the parties have the usual methods of dispute resolution available to them, including submitting a formal complaint to the commission.

Wavier Discussion

Mr. Fioretti summarized the filing and wavier requests that Ameritech was submitting based on the 150 day report filed in response to the merger conditions. The report included a summary of agreement on Technically Infeasible measures and discussed the general areas of agreement by the collaborative participants. It also itemized the performance measures that had benchmarks associated with them in the Texas plan, and summarized agreements on parity vs. benchmark. It highlighted the fact that there was no agreement as to the Firm Order Confirmation measurements (#5, 6, and 94). AT&T indicated that it would be commenting on the Ameritech waiver requests.

Phase II Topics

The following discussion was based on the email sent by AT&T on 3/15/00 suggesting topics to be discussed in Phase II of this collaborative. AT&T stated that the topics identified for discussion in the Indiana and Ohio performance measure collaborative would be a good starting point. Mr. McClerren stated that he did not have a bias as to the order in which the collaborative addressed the topics. He

suggested that we work through the topics, generally reviewing positions, and possibly establishing a priority as to when we would address each. Those topics are as follows:

- (1) Statistical testing
 - AT&T – No statistical tests on benchmarks, standards should be set as “bright line” with no wiggle room. Z-score should be 1.0347 rather than the 1.64 that Ameritech proposes.
 - Ameritech – Applying a statistical test to a benchmark vs. parity is reasonable in that a parity comparison is no more than a dynamic benchmark which changes from month to month. The statistical question addresses whether the underlying performance is substantially the same.
 - Sprint asked whether Ameritech had looked at whether applying the tests impacted making of missing of any measurement (Ameritech has not).
 - MCI suggested that using the K-table provided the ILEC too much forgiveness. AT&T agreed.
 - McLeod stated that they were observing the issues and relating back the US West collaborative in attempting to understand “best practice”.
 - There was general agreement among the parties to discuss statistical testing later in the process.
- (2) Disaggregation of data
 - AT&T suggested that topics (2) and (3) should be discussed together and that this is where we should begin. MCI agreed that this was a reasonable starting point.
 - Sprint asked if Ameritech was planning to implement geographic disaggregation. Ameritech responded that the disaggregation by geography work was in progress and would be split as follows: Chicago, Suburban, Upstate, and Downstate. There was general agreement that the measurements where geography was important and most applicable were the provisioning and maintenance measurements.
- (3) Business rules and formulas for certain performance measures, reviewing each measure one by one.
 - See above
- (4) New performance measures including those adopted by other states
 - Ameritech has agreed to implement specific new performance measures regionally. (Indiana Change Management, MI Jeopardy, etc.)
- (5) How to make the results of the performance measure collaborative generally available to all CLECs.
 - Ameritech is proposing a generic contract amendment to opt into the performance remedy plan. The measurements will be (and are) available to all CLECs via the PM web site. Ameritech committed to have the amendment ready in time for CLECs to execute it in order that they would be eligible for remedies in May (the first data month remedies will be effective).
 - MCI noted that BANY plan was not structured as such.
 - AT&T stated that they were concerned that a generic amendment would not be generic enough and would cause them to commit to other provisions, not just those items that applied to the PM plan.
- (6) Forecasting requirements (trunk measurement #70)
 - NextLink voiced a concern that, although they forecast with regularity, Ameritech does not build based on their forecast.
- (7) Operational issues, including audits, analysis of data, and access to raw data.

- Ameritech is in the process of developing a document to post on the web that documents the processes for requesting analysis and access to raw data, among other operational issues. The existing process for these types of requests is to contact the account/service team.
- AT&T asked how a CLEC was to establish a program to address ongoing operational problems (i.e. FOC response). Ameritech answered that these items were among those to be worked through the account/service teams. PM analysts would assist these teams in developing analysis and action plans.
- AT&T asked ICC staff for its views on repeated performance problems. Mr. McClerren stated that he would like to believe that the remedy program would be robust enough to incent good performance.
- McLeod noted that poor performance, even in parity with retail, is poor performance.
- NextLink suggested that there was no User Forum in the Ameritech states (SWBT had one) and that the CLEC forum was ineffective and uninterested in any issue except those that involved EDI. AT&T cited an instance where there was no information distributed on ordering processes for LNP regarding 10 digit trigger until after it was implemented.

At this point, Mr. McClerren suggested that the participants agree on schedules for next meeting and adjourn for the evening.

Participants agreed to begin discussion of specific measurements by taking advantage of work accomplished in other venues. The CLECs would begin their analysis with a conference call on April 14, 2000, focusing on measurements 107-121. CLECs would provide a redlined version (MCI) to Ameritech by April 21. Participants would hold a conference call on April 28 to answer any questions on the redline document. The collaborative would then re-convene on May 4 and 5 to discuss the redlined business rules.

March 29, 2000

Phase II Topics (continued)

- (8) Remedies (modifications to Texas plan)
 - The parties agreed that the remedy plan was a high priority and that it should be discussed in tandem with statistical testing.
 - AT&T and MCI proposed modifying the Texas plan. AT&T suggested that the Texas plan was overly complex and burdensome to administer and that it would propose its plan at the appropriate time. MCI also would like to present a plan.
 - Ameritech's intent is to implement the Texas plan but recognizes that it is obligated to discuss modifications in the collaboratives.
 - Sprint suggested that Ameritech might consider implementing the California plan, since it too was part of SBC.
- (9) Backsliding
 - Mr. McClerren requested that the CLECs describe what they are looking for in a backsliding plan.
 - AT&T stated that there was evidence of backsliding in Texas since the Texas PUC endorsed the SWBT bid for long distance.
 - Ameritech suggested that the remedy plan was enough to prevent backsliding, AT&T disagreed.
 - Mr. McClerren stated that he was not certain that the remedy plan, by itself, would be enough.
 - AT&T stated that it was not as concerned about the actual payment of remedies, it is more concerned over discrimination and in its ability to compete in the marketplace.
- (10) ILEC affiliates

- Sprint suggested that the more stringent of a benchmark, or parity with the affiliate should be the point at which remedies occur. This would ensure that Ameritech would not be meeting a benchmark but also providing affiliates better service, and therefore discriminating.
- Ameritech stated that minor variations in performance from CLEC to CLEC is understandable and might even be expected, based on the product mix, market geography served, timing of orders etc. Since Ameritech treats its affiliate as a CLEC, there is no guarantee that it will not receive a lower or higher standard of service than any other CLEC. Ameritech is making affiliate data available so that CLECs can monitor this performance and take appropriate action if it feels action is warranted.
- Sprint stated that CLECs do not want to go to the commission to resolve these issues.
- AT&T asked when the affiliate data would be available. Ameritech is now targeting April (data month) for making this data available.

The participants reviewed the order in which these issues would be addressed:

- Items #2, 3, 4, and 6 would be addressed with the first meeting targeted for the May 4 and 5 (measures 107-122).
- Items #8,9, and 10 would be addressed in July meeting.
 - This meeting would include a presentation of the Texas Remedy Plan, and a presentation of alternate plans proposed by the CLECs.
- Item #1, AT&T suggested that this probably will not be resolved in the collaboratives, but no action was required immediately.
- Item #7 would be addressed in the October time frame
- Item #5 would be discussed on the April 28 call, and again at the May 4 and 5 meeting.

Contract Amendment

Additional discussion occurred on the issue of the contract amendment that Ameritech has proposed.

AT&T stated that it is not opposed to incorporate collaborative agreements into its interconnection agreement, but that it feels that is part of the AT&T/Ameritech business to business relationship and should be negotiated on that basis. It also feels that Ameritech was ordered to provide the remedy plan and would vehemently oppose signing an amendment to get the benefits of the order.

Northpoint suggested that Ameritech should attempt to utilize a tariff instead of the amendment process. Staff supported that position in that a tariff could be filed in less than 45 days. Mr. Fioretti agreed to discuss the tariff option with legal/regulatory.

Ohio Collaborative Status

The following issues and performance measures are scheduled to be discussed in the Ohio collaborative.

- Unsolicited FOC
Ameritech reported that it had finished the review of all service representatives regarding situations causing unsolicited 865s. Ameritech discussed progress in CLEC forum that its modifications had reduced those instances of unsolicited FOCs that modify the due date by approximately 80%. Feedback from CLECs indicated that these were still a problem. Ameritech had developed the method to count these as FOCs, but this method was later (April 4) modified in the Ohio collaborative. AT&T has also proposed measuring unsolicited 865s by reason code to assess areas where there is a problem.
- CLECs reviewed proposed measurement modifications that had been discussed at Ohio collaborative. Ameritech is to report on which modifications it will agree to on April 4-5.

The CLEC request covers ordering and pre-ordering measures 1-13. CLEC proposal includes both modifications and suggests new measures.

At this point Mr. McClerren re-capped the plan to address issues in Phase 2 as follows:

- Items 2, 3, 4, 6 to be covered in May and June
- Items 8, 9, 10 to be covered in July and August
- Item 1 to be covered in September
- Item 7 to be covered in October

The following schedule of next steps was set and the meeting was adjourned.

- CLEC Call 4/14
- CLEC redline to Ameritech 4/21
- Call to discuss redline 4/28
- Next face to face meeting 5/4-5/5